

REMARKS/ARGUMENTS

Claims 1 and 3 through 46 remain pending in this application. Claim 2 has been cancelled. Claim 1 has been amended. Support for the amendment can be found at least at page 12, lines 24 through 25 of the present specification.

Claims 1, 3, 5, and 6 stand rejected under 35 U.S.C.  102(b) as being anticipated by Zamora et al., U.K. Patent Application No. 2,227,666A (hereinafter "Zamora").

Claim 1 recites a tampon pledget including an inverted coverstock. The inverted coverstock includes an insertion end and a removal end. The insertion end and the removal end each have one or more pleats. The inverted coverstock is hydrophilic.

Zamora provides a tampon that has a skirt fixed to and extending from one end of the tampon to form a finger cover.

Zamora provides an overwrap membrane that has two sections, the first section being permeable to menstrual fluid and the second section being fluid repellant. The second section that is fluid repellant is twisted at the proximal end of the Zamora tampon to form a seal and then folded back over the tampon body. Zamora further provides that the advantage of the embodiment having the second section that is fluid repellant covering the permeable first section is that no additional secondary wrapping is required. Thus, the second section is both a finger cover and outer wrapper. In contrast, claim 1 provides an inverted coverstock. Therefore, the fluid repellant second section that covers the first section is not and cannot function as an inverted coverstock, let alone a coverstock that is hydrophilic as provided by claim 1. Thus, Zamora clearly fails to disclose or suggest an inverted coverstock, let alone a coverstock that is hydrophilic, as recited by claim 1.

Furthermore, the Action dated September 14, 2005, asserts Zamora discloses a tampon pledget wherein the insertion end (34) and the removal end (32) each have one or more pleats as set forth in figure 7a. Applicants respectfully disagree. Reference number

34 refers to a seal at a withdrawal end of both the tampon and membrane of Zamora, as clearly shown in Figures 7a and 7b, rather than the insertion end of the coverstock as provided by claim 1. Reference numeral 32 refers to the finger cover, rather than the removal end of the coverstock as provided by claim 1, as clearly shown in Figures 7a and 7b. As clearly shown in Figures 1, 2, and 6 through 9 of the application, the insertion end 12 and the removal end 14 are on opposite sides of the tampon pledget 5. Moreover, the Zamora fluid repellant second section is smoothly compressed around and against the proximal end of the tampon body as clearly shown in Figure 7a, and does not have a removal end having one or more pleats, as recited in claim 1. In addition, the portion of the fluid repellant second section of Zamora extending beyond the seal (35) on the insertion end is free of one or more pleats and the finger cover is smoothly compressed around and against the distal end of the tampon body, as clearly shown in Figure 7b. Thus, Zamora fails to disclose or suggest that the insertion end has one or more pleats contrary to claim 1.

Therefore, Zamora fails to disclose or suggest a tampon pledget having an inverted coverstock, let alone an inverted coverstock including an insertion end and a removal end that each have one or more pleats or that is hydrophilic, as recited in claim 1. Accordingly, Applicants respectfully submit that Zamora fails to disclose or suggest all of the claimed features recited in claim 1 and claims 3, 5, and 6 that depend therefrom. As such, Applicants respectfully request reconsideration and withdrawal of the  102(b) rejection of claims 1, 3, 5, and 6.

Claims 1 and 3 stand rejected under 35 U.S.C.  102(b) as being anticipated by Sneider, U.S. Patent No. 4,351,339 (hereinafter "Sneider").

Again, claim 1 recites a tampon pledget including an inverted coverstock. The inverted coverstock includes an insertion end and a removal end. The insertion end and the removal end each have one or more pleats. The inverted coverstock is hydrophilic.

Sneider provides a helically wound body assembly that is closely wound with the absorbent members adjacent each other and an outer sheath that has accordion pleats.

The Advisory Action asserts that the Sneider coverstock is inverted since inverted is defined as being turned inward. Applicants respectfully disagree. Sneider provides that “[t]he pleated outer sheath 18 is shown with accordion pleats 22 so that the applied cover smoothly and snugly encloses and retains the absorbent body 16. The accordion-pleats 22 are shown with the fold portions disposed so that the inner folds are toward the inner body member 16.” (col. 3, lines 50-55 in conjunction with Figures 3 and 4). In contrast, page 13, line 9 of the application provides “inverting (turning inside out)” the coverstock. Nowhere in Sneider is an inverted coverstock remotely disclosed or suggested.

Sneider fails to disclose or suggest that the insertion end and the removal end each have one or more pleats, as recited by claim 1. The Advisory Action asserts that any area closer to the proximal end than to the distal end may be considered the insertion end and vice versa. Applicants respectfully disagree. Sneider provides that the “sheath 18 is closed at the inserting end and the withdrawal end is made with a small opening around said string or may be directly attached to the withdrawal string.” (col. 3, lines 57-61). Sneider further provides that “[t]hese pleats are overlaid so that when withdrawal of the tampon is to be made the pleats will unfold to lengthen into a much longer confining means.” (col. 4, lines 3-6). Thus, as clearly shown in Figures 3 and 5, the Sneider tampon has pleats along the length of the sheath, but clearly lacks pleats at either the insertion end or removal end, contrary to the claimed invention set forth in claim 1.

Accordingly, Applicants respectfully submit that Sneider fails to disclose or suggest all of the claimed features recited in claim 1 and claim 3 that depends therefrom. As such, Applicants respectfully request reconsideration and withdrawal of the §102(b) rejection of claims 1 and 3.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sneider.

Claim 4 depends from claim 1 and further recites that the one or more pleats is about 6 to about 10 pleats.

Again, Sneider provides a helically wound body assembly that is closely wound with the absorbent members adjacent each other and an outer sheath that has accordion pleats.

The Office Action dated September 14, 2005, asserts that the difference between Sneider and claim 4 is the provision that the one or more pleats is about 6 to about 10 pleats. The Action dated September 14, 2005, then contends that it would have been obvious to one of ordinary skill in the art to provide the claimed amount of pleats because Sneider teaches that the pleats in the outer cover may be numerous as desired. Applicants respectfully disagree. As discussed above, Sneider fails to disclose or suggest a tampon pledget having an inverted coverstock or one where the insertion end and the removal end each have one or more pleats, as recited in claim 1. Additionally, Sneider teaches away from a tampon pledget with the insertion end and the removal end each having one or more pleats, as provided in claim 1, by providing that the "sheath 18 is closed at the inserting end and the withdrawal end is made with a small opening around said string or may be directly attached to the withdrawal string." (col. 3, lines 57-61). Moreover, Figures 2 and 3 clearly show a sheath that has an inserting end and a withdrawal end that are smooth and free of pleats.

Accordingly, Applicants respectfully submit that Sneider fails to disclose or suggest all of the claimed features recited in claim 1 and claim 4, which depends therefrom. As such, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claim 4.

Claims 7 through 11 and 14 through 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zamora in view of Foley et al., U.S. Patent No. 5,817,077 (hereinafter "Foley").

Claims 7 through 11 and 14 through 20 include all of the features of claim 1.

Zamora is summarized above. Foley provides a tampon cover covering the side walls, insertion end, and the withdrawal end of a conventional tubular tampon. The cover has a relatively hydrophobic, but porous cover.

As discussed above, Zamora clearly fails to disclose or suggest a tampon pledget with an inverted coverstock that has an insertion end and a removal end that each have one or more pleats in which the inverted coverstock is hydrophilic, as recited by claim 1.

Foley also fails to disclose or suggest a tampon pledget with the insertion end and the removal end each with one or more pleats, as recited in claim 1. Moreover, there is no motivation to combine the overwrap membrane of Zamora with the porous cover of Foley. As discussed above, the fluid repellant second section that covers the first section of Zamora is not, and cannot, function as an inverted coverstock that is hydrophilic as provided by claim 1.

Thus, Zamora clearly fails to disclose or suggest an inverted coverstock, let alone a coverstock that is hydrophilic as recited by claim 1. As such, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claims 7 through 11 and 14 through 20.

The Office Action rejects claims 1 through 46 under the non-statutory, obviousness-type double patenting rejection as being unpatentable over claims 1 through 30 of Pauley et al. (U.S. Patent No. 6,595,974 B2). A terminal disclaimer is filed herewith.

In view of the above, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested.

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